



PLANNING COMMITTEE

MINUTES 16-012

9:30 a.m.

Tuesday, June 14, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson (Chair), M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), J. Farr, C. Collins, D. Conley R. Pasuta, J. Partridge and D. Skelly.

Absent with regrets: Councillors M. Green, City Business

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Urban Hamilton Official Plan Administrative Amendment (PED16060(a)) (City Wide) (Item 5.1)

(Pearson/Partridge)

That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP) (CI-16-A) to amend policies, schedules and maps, to implement revised mapping and policies for the Parent Plan contained in Volume 1, Secondary Plans contained in Volume 2 and Area and Site Specifics of Volume 3 of the UHOP, on the following basis:

- (a) That the draft Official Plan Amendment (OPA), attached as Appendix "A" to Report PED16060(a), be adopted by Council;
- (b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.

CARRIED

2. Rabies Update – Animal Services (PED16137) (City Wide) (Item 5.2)

(A. Johnson/Partridge)

That Report PED16137 respecting Rabies Update – Animal Services be received.

CARRIED

3. Funding of External Consultant(s) for an Ontario Municipal Board Hearing Regarding 449 Stone Church Road West – Appeal of Refusal of Rezoning Application – ZAC-15-007 (LS160016) (Ward 8) (Item 5.3)

(Skelly/A. Johnson)

- (a) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Ontario Municipal Board respecting the applicant/owner's appeal to the Ontario Municipal Board of Council's refusal to pass a Zoning By-Law Amendment for a change in zoning from the "B" (Suburban Agriculture and Residential, etc.) District to the "DE-3/S-1721" (Multiple Dwellings) District, Modified, for lands know as 449 Stone Church Road West (Ward 8);
- (b) That the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

CARRIED

4. Application for Approval of a Draft Plan of Condominium (Common Elements), by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, for Lands known as 35 John Fredrick Drive (Ancaster) (PED16128) (Ward 12) (Item 6.1)

(Pearson/Skelly)

That approval be given to Redline Revised Draft Plan of Condominium Application 25CDM-201514, by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, to establish a Draft Plan of Condominium (Common Elements Condominium) to create a condominium road, sidewalks, landscaped areas, visitor parking areas and centralized mailboxes in favour of 70 townhouse dwelling units, on lands located at 35 John Fredrick Drive (Ancaster), as shown on Appendix "A" to Report PED16128, subject to the following conditions:

- (a) That this approval for Draft Plan of Condominium (Common Elements) Application 25CDM-201514 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated April 23, 2015, consisting of a common element road, sidewalks, landscaped areas, visitor parking areas and centralized mailboxes, attached as Appendix "B" to Report PED16128; and,
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201514 attached as Appendix "D" to Report PED16128, be approved by City Council.

CARRIED

5. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) (Item 6.2)

(B. Johnson/Skelly)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-16-005, by Empire Communities (Binbrook) Ltd., to amend the Urban Hamilton Official Plan (UHOP) in order to establish a site specific policy within the Binbrook Village Secondary Plan to permit single detached dwellings within the "Low Density Residential 2h" designation, at the rear of 3385 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED16134, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16134, be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) That approval be given to Zoning By-law Amendment Application ZAR-15-057, by Empire Communities (Binbrook) Ltd., for a change in Zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-294" Zone, Modified, with a Special Exception, in order to permit four lots for single detached dwellings, for lands located at the rear of 3385 Binbrook Road, Glanbrook (as shown on Appendix "A" to Report PED16134) on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED16134, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED]

CARRIED

6. Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as "Fields of Springbrook", for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12) (Item 6.3)

(Pasuta/Pearson)

- (a) That approval be given to amended Zoning Application ZAC-12-062R by Springbrook West Developments Inc., 1356719 Ontario Ltd., Emidio and

Maria Casimirri, and 2178368 Ontario Inc., Owners, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-563” Zone, Modified (Block 1); from the Agricultural “A” Zone to the Residential “R4-562” Zone, Modified (Blocks 2 & 3); from the Agricultural – Holding “H-A-654” Zone, Modified to the Residential “R4-562” Zone, Modified (Block 4); from the Agricultural – Holding “H-A-654” Zone to the Residential “R4-563” Zone, Modified (Block 5); from the Residential – Holding “H-R4-548” Zone, Modified to the Residential “R4-562” Zone, Modified (Blocks 6 & 8); and, from the Residential – Holding “H-R4-548” Zone, Modified to the Residential “R4-563” Zone, Modified (Block 7) for the lands known as 388 – 476 Springbrook Avenue, as shown on Appendix “A” to Report PED16135, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan.
- (b) That approval be given to Revised Draft Plan of Subdivision Application 25T-201205(R) by Springbrook West Developments Inc., 1356719 Ontario Ltd., Emidio and Maria Casimirri, and 2178368 Ontario Inc., Owners, to establish a Draft Plan of Subdivision known as the “Fields of Springbrook”, on lands known as 388 – 476 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED16135, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision “Fields of Springbrook”, 25T-201205(R), as revised, prepared by Urbex Engineering Limited, and certified by Dan McLaren, O.L.S., dated March 11, 2015, showing a maximum of 89 units comprised of: 89 single detached dwelling units (Blocks 1 - 89); eight blocks for future residential (Blocks 90 - 97); three blocks for 0.3 m reserves (Blocks 98 - 100); and, two proposed streets, shown as “Klein Circle” and “Sharp Road”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions **as amended, to include two warning clauses; one that the abutting landowner to the vacant lots next to this property is Redeemer College University and there may be future development and the other that gates are prohibited on any fences to be built on the rear and / or side yards of lots 65 – 79, 82 – 89, and Blocks 90 – 92**, attached as Appendix “D”, to Report PED16135.

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
 - (1) the proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of Lot 1 to the south side of Lockman Drive (limits of Meadowlands Phase 10 reconstruction), including Sharp Road;
 - (2) the proportionate share of the costs of the Traffic Study required for the Garner Road East and Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road East and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West; and,
 - (3) the share of the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development. Also, the cost of sewers on Springbrook Avenue for the existing residents in accordance with OMB decision No. 1493.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the building permit stage.

Amendment CARRIED
Main Motion as Amended CARRIED

7. Flamborough Baptist Church, 41 Concession 5 East (Item 9.1)

(Partridge/Skelly)

WHEREAS, the lands located at 41 Concession 5 East have received Conditional Site Plan Approval (SPA-15-146) for an addition to the Flamborough Baptist Church, which includes a parking area;

WHEREAS, Zoning By-law No. 05-200 requires a parking lot (5 or more parking spaces) to be asphalt or other hard surface; and

WHEREAS, the Conservation Authority will not approve a paved parking lot for the church as they require a permeable surface;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the City of Hamilton fee for the required Minor Variance application to permit a parking area consisting of gravel for the lands located at 41 Concession 5 East.

CARRIED

8. First Road West south of Mud Street and the West Mountain Green Secondary Plan (Item 9.2)

(Conley/Pearson)

WHEREAS, at the time of adoption of the West Mountain Green Secondary Plan (1989), the closure of First Road West south of Mud Street was anticipated and a policy was put in place recognizing the need for traffic analysis prior to any closure;

WHEREAS, to date, no studies have taken place indicating the need to close the road and there are no plans in place to close First Road West; and

WHEREAS, a Municipal Class Environmental Assessment would be required to justify a closure and no closure would take place without Council approval;

THEREFORE BE IT RESOLVED:

- (a) That First Road West south of Mud Street remain open;
- (b) That as part of the next Five-year Review and update of the Urban Hamilton Official Plan, staff be directed to remove the policy reference to the closure of First Road West south of Mud Street in the West Mountain Heritage Green Secondary Plan (UHOP Volume 2, Policy B.2.6.7.2).

CARRIED

9. Illegal Businesses in Agricultural Areas in Ward 11 (*Glanbrook*) (Item 9.3)

(B. Johnson/Skelly)

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11 (*Glanbrook*);

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant problem of illegal businesses operating on agricultural lands in Ward 11 (*Glanbrook*);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake an 18 month pilot program, including hiring a temporary Zoning Enforcement Officer to proactively enforce illegal businesses in the agricultural areas of Ward 11 (*Glanbrook*);

- (b) That the cost of the 18 month pilot (estimated to be \$170,000 for employee related expenses and a vehicle) be funded as follows:
 - (i) \$145,000 in employee related expenses from the Tax Stabilization Reserve;
 - (ii) \$25,000 for a one-time vehicle cost from unallocated capital;
- (c) That staff be directed to report back with terms of reference including key performance measures and expectations before initiating the pilot program.

**Amendment CARRIED
Main Motion as *Amended* CARRIED**

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

- 6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster, respecting Item 6.3 the Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Fields of Springbrook”, for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12)

(Collins/A. Johnson)

That the agenda for the June 14, 2016 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) May 31, 2016 (Item 3.1)

(Pearson/Conley)

That the Minutes of the May 31, 2016 meeting be approved.

CARRIED

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for Approval of a Draft Plan of Condominium (Common Elements), by WEBB Planning Consultants Inc., on behalf of Losani Homes (1998) Limited, for Lands known as 35 John Fredrick Drive (Ancaster) (PED16128) (Ward 12) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Elements) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Pearson/A. Johnson)

That the staff presentation be waived.

CARRIED

Michael Commerford from Losani Homes (the applicant), was in attendance to respond to any questions. He indicated that they are in support of the staff report.

(Skelly Conley)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 4.

Chair B. Johnson relinquished the Chair to Vice-Chair Pearson prior to the following Item:

- (ii) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or

public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

(Skelly/B. Johnson)

That the staff presentation be waived.

CARRIED

(Skelly/B. Johnson)

That the public meeting be closed.

CARRIED

George Zajac of Armstrong Planning and Project Management representing the applicant was in attendance to respond to any questions. He indicated that they are in support of the staff report.

For disposition of this matter refer to Item 5.

Chair B. Johnson assumed the Chair.

(iii) Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Fields of Springbrook”, for Lands Located at 388 – 476 Springbrook Avenue (Ancaster) (PED16135) (Ward 12) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster

(Conley/A. Johnson)

That the added written comments Item 6.3(i) be received.

CARRIED

No members of the public came forward.

(A. Johnson/Pearson)

That the staff presentation be waived.

CARRIED

(Conley/Partridge)

That the public meeting be closed.

CARRIED

The applicant, Angelo Cameracci and his agent, Liam Doherty of Liam Doherty Planning and Design, were in attendance. They indicated that they are in support of the staff report.

Committee discussed the letter submitted by Redeemer College University regarding the privacy fence and staff responded that they have added two additional Special Conditions to the Subdivision Agreement to address the concerns outlined in the letter.

(Pearson/Conley)

That the amendments to the Special Conditions of the Subdivision Agreement be approved.

Amendment CARRIED

For disposition of this matter refer to Item 6.

(e) MOTIONS (Item 9)

(i) First Road West south of Mud Street and the West Mountain Green Secondary Plan (Item 9.2)

This Item CARRIED on the following Standing Recorded Vote:

Yeas: B. Johnson, Skelly, Collins, Farr, A. Johnson, Conley, Pearson,
Pasuta and Partridge

Total: 9

Nays: 0

Absent: Green

Total: 1

(ii) Illegal Businesses in Agricultural Areas in Ward 11 (Glanbrook) (Item 9.3)

Chair B. Johnson relinquished the Chair to Vice Chair Pearson to present her motion respecting Illegal Businesses in Agricultural Areas in Ward 11.

(Skelly/Collins)

That the motion be amended by removing all references to Glanbrook as follows:

**Re: Illegal Businesses in Agricultural Areas of Ward 11
(Glanbrook)**

WHEREAS, there are on-going, significant problems associated with the large number of illegal businesses operating on agricultural lands in Ward 11 (~~Glanbrook~~);

WHEREAS, illegal businesses operate with unfair advantages over legal businesses including, but not limited to the fact that they do not pay the same property taxes; and

WHEREAS, a concentrated, proactive enforcement effort and a unique enforcement skill set is required to address the significant problem of illegal business operating on agricultural lands in Ward 11 (~~Glanbrook~~);

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake an 18 month pilot program, including hiring a temporary Zoning Enforcement Officer to proactively enforce illegal businesses in the agricultural areas of Ward 11 (~~Glanbrook~~);
- (b) That the cost of the 18 month pilot (estimated to be \$170,000 for employee related expenses and a vehicle) be funded as follows:
 - (i) \$145,000 in employee related expenses from the Tax Stabilization Reserve;
 - (ii) \$25,000 for a one-time vehicle cost from unallocated capital;
- (c) That staff be directed to report back with terms of reference including key performance measures and expectations before initiating the pilot program.

CARRIED

For disposition of this matter refer to Item 9.

Chair B. Johnson assumed the Chair.

(f) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Partridge/Pearson)

That the following new due date be approved:

Item "EE" - Staff to report back with periodic updates regarding progress on capturing illegal businesses and increasing licensed businesses.

Due Date: June 14, 2016

New due date: December 5, 2017

CARRIED

(g) ADJOURNMENT (Item 13)

(Farr/Pearson)

There being no further business, that the Planning Committee be adjourned at 10:22 a.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk